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IN THE

Supreme Court of the United States

OCTOBER TERM, 1964.

No. 252.

DAVE FLEISCHER, individually and as trustee and receiver in dissolution of FLEISCHER STUDIOS, INCORPORATED, a Florida corporation,

Petitioner,

against

A. A. P., INC., ASSOCIATED ARTISTS PRODUCTIONS, INC., U. M. & M. TV CORP., W. P. I. X., INC., PARAMOUNT PICTURES, INC., PARAMOUNT PICTURES CORPORATION, DUMONT BROADCASTING CORPORATION, FLAMINGO FILMS, INC., KING FEATURES SYNDICATE, INC., FLEISCHER STUDIOS, INCORPORATED, a New York corporation, MAX FLEISCHER, individually and as co-trustee of FLEISCHER STUDIOS, INCORPORATED, a Florida corporation,

Respondents.

BRIEF FOR RESPONDENTS A. A. P., INC., ASSOCIATED ARTISTS PRODUCTIONS, INC., AND W. P. I. X., INC., IN OPPOSITION TO PETITION FOR CERTIORARI.

DANIEL HUTTENBRAUCK,
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Pandick Press, Inc., 22 Thames St., New York, N. Y. 10006 U. S. A.

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Respondents, A. A. P. INC., ASSOCIATED ARTISTS PRODUCTIONS, INC., and W. P. I. X., INC., are concerned only indirectly in the appeal from the order of Judge Palmieri of July 27, 1959, dismissing the second cause of action contained in the first amended complaint and denying the motion of plaintiff for leave to serve a supplemental com-

plaint alleging his appointment as a receiver of the dissolved Florida corporation. 180 F. Supp. 717 (D. C. N. Y. 1959). However, we have read the brief filed by other respondents herein, Paramount Pictures, Inc., Paramount Pictures Corporation and Flamingo Films, Inc. in opposition to the petition for certiorari. We fully subscribe to the position of these respondents as described in said brief.

Respondents, A. A. P., Inc., Associated Artists Productions, and W. P. I. X., Inc. are vitally concerned in the appeal from the order of Chief Judge Ryan of September 12, 1963, granting motions for summary judgments and dismissing the second amended complaint as to all defendants therein. 222 F. Supp. 40 (D. C. N. Y. 1963), affd. 329 F. 2d 424 (2nd Cir. 1964). We have read the brief filed by the other respondents, Paramount Pictures, Inc., Paramount Pictures Corporation and Flamingo Films, Inc. in opposition to the petition for certiorari. The facts and applicable legal principles on which respondents herein rely are fully and carefully presented and analyzed in said brief and it would be an imposition on the Court to reiterate them here. The respondents herein fully subscribe to the position of the other respondents as described in their brief. Accordingly, the Court is respectfully requested to consider said brief to have been filed for and in behalf of respondents herein.

Conclusion.

The petition herein being singularly devoid of even the slightest merit should be denied.

Respectfully submitted,

DANIEL HUTTENBRAUCK,
Attorney for Respondents.